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Reflecting on the Scholarship Written About the Qin

By James LeVan

In 2012, a systems analyst by the name of Gregory Mayhew wrote a paper about nation building and reconstructing a nation's infrastructure after a cataclysmic event caused the downfall of the previous government. In his paper, he uses China's first imperial dynasty the Qin and their reforms as a template for nation building in the wake of the Iraq War and Arab Spring in Egypt.¹ Mayhew's argument is that the Qin's conquest and unification of the various states that made up China during the Warring States period was quite beneficial for the general population, pointing out that the quality of life did improve for most of the population under the Qin, in part because the Qin had brought stability and also because the Qin had abolished the old feudal system of lords and peasants and replaced it with a system based on merit.² In Mayhew's view, the Qin reforms were a boon to the general population of China and helped bring stability by ending the Warring States period that had ravaged China after the fall of the Zhou Dynasty. According to Mayhew though, the fault of the Qin though was that they tried to standardize and change the society of those states they had conquered too rapidly. This put unnecessary pressure on the general populace that was starting to feel overextended from the large construction projects that the First Emperor commissioned, resulting in the downfall of the Qin shortly after his death. Mayhew's argument was that the Qin system of government was a perfect template in

¹ Gregory L. Mayhew, "The Formation of the Qin Dynasty: A Socio-Technical System of Systems." *Procedia Computer Science* 8, (2012): 402

² Mayhew 407, 408

helping war-torn countries rebuild themselves and bring some form of stability after prolonged chaos.

Mayhew's view of the Qin and his view that they were a positive force in China's history and should be used as an example of creating stability is a bit of an odd take on China's first imperial dynasty. In fact, early chroniclers of China's past often regarded the Qin in low esteem. Throughout most of China's history, the Qin dynasty (*Ch'in* as it was known in the Wade-Giles system) has been portrayed as a brutal authoritarian regime and as an example of how not to run an empire. The Western Han (206 BCE – 9 CE) statesman and poet Jia Yi wrote in his essay *The Faults of Qin* that, when the First Emperor ascended to the throne and conquered most of the known world, he brutally eliminated his enemies, executed intellectuals and destroyed any literature from the hundred schools of thought that the dynasty didn't agree with. He also wrote that the Qin under the Second Emperor had become a laughingstock and that, had the second emperor been a more humane ruler, appointed competent officials and ruled with a gentler hand, then their dynasty would not have fallen so easily in just fourteen years.³ Moving forward to the Southern Song dynasty (1127 – 1279 CE), the Confucian scholar Chen Lian, when reflecting on what constituted good government, worried that officials were cracking down and embracing the legalist practices that were prominent among the Qin. Being a Confucian, he opted for a mix of the decentralized rule by example but still maintaining some laws for people to follow (a blend of the Confucianist and the Legalist school that is associated with the Qin).⁴

³ Jia Yi "The Faults of Qin," In *Sources of Chinese Tradition: From the Earliest Times to 1600*. Edited by WM. Theodore De Bary and Irene Bloom (Columbia University Press, 1999) 229, 230

⁴ Chen Liang "On People and Laws," In *Sources of Chinese Tradition: From the Earliest Times to 1600*. Edited by WM. Theodore De Bary and Irene Bloom (Columbia University Press, 1999) 648-650

The Qin dynasty's legacy has often had to deal with being portrayed as a brutal totalitarian regime that oppressed all freedom of thought and conscripted the citizenry to force the people to work on large iconic projects such the Great Wall and Terracotta Army. Part of these negative portrayals may have to deal with the philosophical conflict between the Legalists, who are associated with the Qin more so than any other state or dynasty, and the Confucians, whose teachings are a major part of East Asian philosophy to this day. Despite negative portrayals as a brutal regime in popular memory, the Qin are still regarded with being the ones who laid out the foundation for imperial rule that was to be used by all the subsequent dynasties. Their efforts of standardization lead the way for the creation of a Chinese society. Even the word “China” is believed to be derived from the Qin which is pronounced “Chin.” As interest in East Asia has increased over the last eighty years, scholars have taken a strong look at China and its history in hope of better understanding the modern-day People’s Republic, including reexamining the legacy of the Qin. The result has been a more complex image of the First Emperor and his advisors and a more nuanced image of Qin society. This essay will examine what scholars have said about the lives of the some of the more prominent figures of the Qin history, as well as how scholars have reconstructed Qin society and have looked past what has been written about the Qin by the Confucian writers of the Han and Song periods. The result has been a more nuanced and complicated view of a dynasty that laid down the foundations for imperial China and whose impact is still felt in the People’s Republic to this day.

Qin society cannot be examined without first examining the lives of those who essentially founded it. The prince of Qin would go on to, in the words of Jia Yi, “whip the world into submission.”⁵ His advisor Li Si would be regarded as the power behind the throne and whose

⁵ Jia Yi, 229

advice the First Emperor would rely heavily on, and, finally, Shang Yang, an advisor to the state of the Qin, whose earlier legalist reforms the First Emperor and Li Si would build their empire from.

Shang Yang, much like the Qin, is regarded in low esteem. The historian Charles Sanft goes as far as to say that Shang Yang is the most reviled thinker from premodern China and that his ideology is easily comparable to fascism.⁶ Shang Yang himself did little to help his case and legacy. In one of his writings he says the following: “Sophistry and cleverness are an aid to lawlessness; rites and music are symptoms of dissipation and license; kindness and humaneness are the mother of transgressions.”⁷ Shang Yang was also an advocate of draconian enforcement of the law, believing that harsh punishments for even minor crimes was the best approach to getting the population to follow the law.⁸ The image of Shang Yang as an authoritarian, while not wrong, is not the whole picture either. Recent scholarship has attempted to show that Shang Yang was more of a revolutionary who, through applying his laws in the state of Qin, sought to create an answer to the chaotic times that he and the rest of China was living in during the Warring States period. Looking past his writings and examining the actual laws he advocated for in the state of Qin while Shang was alive, Charles Sanft cites the meritocracy system of rewarding rank based off one’s service to the state. Also, his idea of grouping five families together into *pentads* intended to get the five households to work together in cooperation, sharing in both punishment but also cooperating with one another to make sure the work they were

⁶ Charles Sanft, “Shang Yang was a Cooperator: Applying Axelrod’s Analysis of Cooperation in Early China,” In *Philosophy East and West*, 64(1), 2014: 174

⁷ Shang Yang “Discussing the People,” In *Sources of Chinese Tradition: From the Earliest Times to 1600*. Edited by WM. Theodore De Bary and Irene Bloom (Columbia University Press, 1999) 195

⁸ Daniel Haitas, "Shang Yang and Legalist Reform in The Ancient Chinese State of Qin," in *Lex Et Scientia* XXV, no. 1 (2018): 104, 105

required to do for the state was completed.⁹ Haitas, meanwhile, notes that Shang Yang's reforms to the criminal justice system meant that all were treated equally under the law (granted, brutally). An example of this that Haitas notes is the case of the Prince of Qin, where the heir apparent of the state of Qin had committed a crime and that, because of his view that no one was above facing punishment, the prince must face punishment (of course, a compromise was met where the prince's tutor was punished in his stead).¹⁰ In Haitas and Sanft's views, Shang Yang was a brutal and cynical man and critiques about him are certainly warranted, and both men do not dismiss these images of Shang Yang, but they do see his overall ideas on statecraft and law as being more beneficial than the feudal policies that existed in other states of premodern China at the time. Also, his legalist views would help pave the way for the rise of imperial Qin's conquest. Shang Yang died a century before the unification of China, but his actions paved the way for the legalist school of thought to flourish in the state of Qin and set it up to be used by the First Emperor six generations later to conquer and unite China.

Much like with Shang Yang, writings on the First Emperor are complex. Scholars note that Qin Shihuangdi did lead the Qin state in the impressive feat of uniting the previous warring states of premodern China and establishing the foundation for imperial rule. However, outside of that, Qin Shihuangdi is a little harder to redeem. He is seen as a foreign barbarian from an alien state that invaded and conquered the six Yellow River states that made Eastern China. Francis Wood, in his biography about the First Emperor, mentions how early historians like Sima Qian

⁹ Charles Sanft, "Shang Yang was a Cooperator: Applying Axelrod's Analysis of Cooperation in Early China," In *Philosophy East and West*, 64(1), 2014: 176

¹⁰ Daniel Haitas, "Shang Yang and Legalist Reform in The Ancient Chinese State of Qin," in *Lex Et Scientia* XXV, no. 1 (2018): 106

would sometimes take certain liberties with his history, and that Sima Qian had even made the accusation that he was not the real heir to state of Qin but the bastard of the Emperor's concubine and the Prime Minister who served his father.¹¹ He is seen as superstitious, ambitious, brutal and easily manipulated. A chapter in Marcies Atkins's book on the history of China depicts him as ascending to the throne of Qin at the young age of thirteen and that he was ambitious enough to unite all the warring states together. He dedicated his life to expanding Qin's power by dominating the other warring states and then creating the famous reforms of standardization.¹² Wood's depiction of the First Emperor when he ascended to the throne is that of a man who was determined to see his ideal state come to life. He also depicts the First Emperor as a superstitious man who, when he reaches middle age, is looking for ways to prolong his life and often went to great lengths to try and find ways to do so.¹³ Determined to see Qin supremacy come to life, the First Emperor held a zero-tolerance policy when it came to academics and any school of thought that went against the state-sanctioned legalist school of thought. An example of this brutality includes an incident where he buried four hundred scholars alive, simply because they did not agree with the legalist school of thinking. However, the most cited example of Qin authoritative nature (and one that does not help his image) is how, in 213 BCE, he ordered scholars to fetch him all books that were deemed a danger to the state and had them burned, sparing only books on agriculture and labor manuals that would be necessary to keep China's infrastructure intact.¹⁴ Neither depiction of the First Emperor portrays him in a positive light. However, Wood does

¹¹ Francis Wood, *The First Emperor of China*, (Profile Books Ltd, London, 2007), 20

¹² Marcie Atkins, *Ancient China. Ancient Civilizations*, (North Mankato, Minnesota: ABDO Publishing, 2015), 9

¹³ Francis Wood, *The First Emperor of China*, (Profile Books Ltd, London, 2007), 33

¹⁴ Marcie Atkins, *Ancient China. Ancient Civilizations*, (North Mankato, Minnesota: ABDO Publishing, 2015), 9, 13

note in his biography that many of the authoritative tendencies of the First Emperor may not have been entirely his doing but was the work of his advisor and the possible real power behind the throne, Li Si. Implying that Qin Shihuangdi was the victim of the machinations of his more devious advisor.

Leonard Cottrell, when he wrote his book on the history of the Qin, had hoped to try and dispel the racial stereotypes about Asians being sneaky and plotting, but writes that he had a hard time doing so when it came to write about Qin dynasty's top advisor, Li Si.¹⁵ Like Shang Yang a century before him, Li Si had been a lowly clerk who, according to the Han historical records, ventured West after he came from a foreign land and offered his services the state of Qin and quickly rose through the ranks to become Chancellor and top advisor for the Qin imperial dynasty. *The Records of the Grand Historian* paints him as a major architect who used a mix realpolitik and court intrigue to help further the Qin ambition of conquering their neighbors, one example being his plot to send envoys to other states and have them enter the service of rival states. However, these envoys would act as agents of chaos.¹⁶ Leonard Cottrell, Derk Bodde and Francis Wood have written about Li Si when writing about the Qin. In fact, it would be impossible not to write about Li Si when writing about the Qin and learning about their conquest of China. Scholars across the decades seem to agree (Cottrell did use some of Bodde's work when writing his popular history book on the Qin) that Li Si was a true Machiavellian. Francis Wood portrays Li Si as a schemer and the architect of some of the more draconian acts committed by the First Emperor. One of the worst chapters in the brief history of the Qin dynasty saga was the burning of the books that were deemed a threat to the state and needed to be

¹⁵ Leonard Cottrell, *The Tiger of Ch'in*, (Holt, Rinehart and Winston, New York, 1962), 122

¹⁶ Cottrell, 127

destroyed. Wood writes that this was more so Li Si's idea than it was the First Emperor's and that many of the other atrocities that occurred at this time period were more his idea as well.¹⁷ However, perhaps Li Si's greatest crime he committed while serving as a Qin councilor came, according to Wood, after the First Emperor had died. After the death of the First Emperor, Li Si went to work to make sure that the Emperor's youngest son, who was but a child on the death of his father, succeed him. Wood writes that the First Emperor had intended to send a letter to his exiled son in North (he had been exiled due to criticizing some his father's edicts) describing his desire to see his prodigal son return and rule after he passed. Li Si intercepted the letter and had a new one forged saying that the son had dishonored his father. To cement his plot, Li Si made sure to send a forged letter to the First Emperor's exiled son but, rather than have him return to court, the letter had ordered the son to commit suicide,¹⁸ which the son complied with. From Wood's interpretation, it appears that Li Si was a monster. All the horrors that occurred under the Qin and the reason they have such a negative reputation is because of the actions of Li Si. Derk Bodde does add another dimension to Li Si's personality, though, in his book *China's First Unifier*. In it, Bodde believes that Li Si's desire to destroy all texts related other schools of thought show that Li Si was attempting to be a revolutionary and eradicate the Confucian teachings that he felt had caused so much chaos and bring about a more stable society than that of the Warring States Period.¹⁹ Scholars appear to be more tolerant and attempt to better understand the lives of Shang Yang and the First Emperor, whereas with Li Si, writers appear to

¹⁷ Francis Wood, *The First Emperor of China*, (Profile Books Ltd, London, 2007), 40

¹⁸ Wood, 38

¹⁹ Derk Bodde, *China's First Unifier*, (Honk Kong University Press, Hong Kong, 1967), 99

have a hard time redeeming him, and seem to allow the image of Li Si as nothing more than a plotter and villain whose actions have ruined the Qin's reputation to stand even to this day.

Writings on these three men conclude that, were it not for their efforts, the Qin dynasty would never have risen to power. It is also clear that these men were true to the cynical realpolitik nature that is Legalism. Biographies about these men are, unfortunately, based mostly off the works of Han scholarship, the result being that these men are regarded as villains and because most biographical literature was written by historians from the succeeding Han dynasty that overthrew the Qin. As a result, their work is some of the only that historians really have had to go on. From these biographies, it can be assumed that the empire that was built by them would be an example of tyrannical despotism, where the people were brutally oppressed and that, eventually, when the First Emperor passed the revolts broke out and those who grew frustrated established the more open-minded Han dynasty. The Han certainly did rule with a looser hand than the Qin. However, the notions that life under the Qin for most of the population was brutal is not entirely accurate. Scholarship over the last thirty odd years has shown that the quality of life was more improved for most of the population than it was under the feudal systems that they lived under before the unification.

Qin unification was, in a philosophical sense, the domination and attempted replacement of all other systems based on philosophical thought that emerged during the Warring States period and replacing them with a new social hierarchy based around the philosophy of Legalism. While the Legalists themselves were quite cynical and critical of human nature, the dynasty they built opened doors of opportunity that the old feudal system did not. Historians examining the actual state of Qin and the empire that would emerge out have discovered that, while limited in freedom of thought, the Qin were not the totalitarian regime the Confucian scholars made them

out to be. Also, from the military perspective, the legalist reforms in the state of Qin are what gave them their advantage over other states in premodern China. Discoveries of the bamboo strips from the period have shed new light on Qin society and how life may have been. Social historians have since been theorizing about what life what may have truly been like for the people of China when under Qin rule. The general conclusion is that much of the population flourished under the Qin and that they benefitted more under the military meritocracy the Qin built than they did under the feudal systems of the Zhou states that preceded them.

In his book on the early history of the Qin and Han empires, Mark Lewis Edwards notes that Shang Yang's reforms transformed the state of Qin into the military force necessary to unify the seven states and put an end to the Warring States period. He cites three examples of how Shang Yang's legalist reforms transformed the Qin state and set it up for the unification of China. The first was allowing the peasants to serve as infantry. This allowed for an increase the size of the army over others. The second reform came with the end of the city-state, which under the Qin would pave the way for a more central government without feudal lords (except for the Emperor, of course) where upward mobility was possible. The third reform was the application of a military uniform administration system towards the entire population. These reforms by Shang Yang, Lewis argues, are what transformed the Qin into the force that would eventually unify China.²⁰ Lewis also notes another of Shang Yang's reforms that can't be forgotten, and that would be an important reform later applied by the First Emperor took, which was that of land distribution. The Qiny broke up land originally controlled by the nobility and distributed to

²⁰ Mark Edward Lewis, *The Early Chinese Empires. History of Imperial China*. (Cambridge, Mass: Harvard University Press, 2007), 30-33

individuals on merit. The popular history written by a man named Leonard Cottrell called *The Tiger of Ch'in* depicts the state of Qin before the conquest as being a warrior state that had been forged by years of fighting barbarian tribes around them. The Qin had been a frontier society and were almost constantly at war with groups living on the periphery of Zhou China. The Qin were a warrior people and this military ethos which, in Cottrell's book, is similar to that of the Spartans of the Ancient Greek world.²¹ They were a militarized people whose society was built around fighting enemies and developing the perfect fighting force ready to mobilize at a moment's notice. However, unlike the Spartans, scholars have examined the Qin and have reached the conclusion that the society was academically oppressive, but as far as the common people were concerned, the Qin had liberated them.

“Legalism,” the school of thought that Shang Yang had used to transform Qin society, and the military mentality of the people of the Qin state, are what served as the motivation of Qin society and was the cornerstone for Qin reforms when they became an empire. Historian Chu-Shu Chang's book *The Rise of the Chinese Empire* lists the series of reforms the First Emperor had put into effect when he established his imperial dynasty. These tenets of the Qin Empire included laws that meant the end of the feudal system, which Li Si and the First Emperor saw as the root of the previously powerful Zhou's downfall, replacing it with administrative districts. Another reform included a universe draft system that required men between twenty and fifty-six years of age to serve in the army for at least two years and for civilians to provide one month of labor for state-sanctioned building projects out of the year. Finally, another tenet of the new Qin empire that builds on the previous two mentioned was, with the end of the Zhou feudal system, a

²¹ Leonard Cottrell, *The Tiger of Ch'in*, (Holt, Rinehart and Winston, New York, 1962), 118

new system of hierarchy based on military merit and an individual's contribution to the state.²²

The Qin military philosophy also helped with laying the groundwork for national unity. Chang notes in his book that military it wasn't just standardization that helped unite the people of the Qin dynasty, but military service. Sending people from the former states to join together in battle allowed for people of the different communities to fight alongside one another and become more cohesive. In a sense, people from different states came to view each other as Qin and as comrades, meaning confronting conflict and working together, according to Chun-Shu Chang, was how the different ethnic groups began to see each other as one nation and one people.²³ Military service had been one way the Qin managed to unite the diverse people from across their newly formed empire by having them fight alongside other groups that existed within their borders. The idea of a single group of people who identified as Qin was, in part, forged in the fire of war through having different groups fight alongside one another for a common cause, though most scholars usually discuss the efforts of standardization by the Qin officials when discussing the efforts of the Qin regarding trying to unify the people and create one single identity.

Standardization has been a key concept written about the Qin throughout this paper and was how they attempted to unify the people. Standardization was the way to get the people to conform and become one identity, and it ranged from making sure machinery met government standards to what fashion was deemed acceptable. Coinage, language and tool making were all

²² Chun-Shu, Chang, *The Rise of the Chinese Empire*, (Ann Arbor, University of Michigan Press, 2007), 43

²³ Chang, 54

standardized.²⁴ How pervasive Qin's standardization was is up for debate and how much personal freedom people had while under the Qin is questionable. A great example of this is Qin Xioali's piece on the fashion trends of the Qin. Examining the Terracotta soldiers found in the First Emperor's tomb, she notes that hair and beard styles are long and have various styles. Also, color wise, fabrics would be made in a variety of ways and Xioali believes that people had up to fifteen different choices of color to choose from.²⁵ That is not to say it was a fashion free for all, but from Dr. Xioali's writing, it appears that the Qin dynasty gave the people a wide amount of choice when deciding what to wear.

There is universal agreement among scholars the last few decades that the Qin reforms were not as brutal as Han historians thought they were. In fact, many of the reforms that occurred under the Qin were in fact beneficial for the scholars and peasant classes. The success of these reforms appears to be enough to convince future dynasties (including the Han) to include them when they rose to power in their respective eras. All the literature mentioned earlier has hinted how the Legalist reforms implemented under the Qin provided more opportunity for the people of Pre-Modern China. The Military meritocracy allowed for upward mobility where the old feudal system required the common people to be tied to the land.

²⁴ Hui Fang, Gary M. Feinman, and Linda M. Nicholas, "Imperial Expansion, Public Investment, and the Long Path of History: China's Initial Political Unification and its Aftermath," in *(Proceedings of the National Academy of Sciences of the United States of America* 112, no. 30, 2015), 9224-9229.

²⁵ Xiaoli, Qin, "Fashion in Qin China," (*Rom* 43, no. 1,2010), 18.

The basic idea for why the Qin fell was that they were overthrown by a peasant uprising, that the laws they passed were too draconian and the Qin emperors lacked humaneness, resulting in a ragtag army of peasant farmers rising and overthrowing the Qin dynasty. As we have seen through this analysis of the literature, the Qin laws were academically oppressive in their desire to oppress any writing or thought that went against legalism. However, in 1983, a historian by the name of Jack Dull wrote a paper titled *Anti Qin Rebels: No Peasant Rebel Leaders Here*. Dull argued that, while Chen Sheng was a commoner, the uprisings against the Qin were in all likelihood more so the result of the mistrust that had developed between the Second Emperor and his officials who became distrustful of the Second Emperor and his ministers who were too incompetent and conniving. Also, Dull theorizes that the Cheng Sheng may have, by the time he attempted to try and to try and overthrow the Qin, gained an education and had moved upward socially, believing that his education was only available for those in the higher classes of Qin society and that it would have been unlikely for an average commoner to have amassed an army unless he had some sort of notoriety that would only have come from being a part of a higher class.²⁶ Dull's final argument for the downfall of the Qin was that it was not the motivation of peasants feeling oppressed by taxes and harsh penalties, but rather it was the result of pride in old national identities and who had come from the old royal dynasties that the Qin had thought they eliminated when they established their empire.²⁷ Dull cites in the end of his paper that evidence of his argument can be found with the way the Han dynasty that replaced the Qin ruled their empire and how similar it was to that of the Zhou feudal system. If Dull's argument is correct, then it means that the unified people the Qin had hoped to create were not as unified as originally

²⁶ Jack L. Dull, "Anti-Qin Rebels: No Peasant Leaders Here," in (*Modern China* 9, no. 3 1983), 307

²⁷ Dull. 315

believed, which means the cohesive argument made by other writers like Chun Shi-Chang is incorrect. However, Dull wrote his paper in the early nineteen eighties and most of the recent scholarship has stated that the Qin's efforts of standardization did in fact work in creating a unified empire, the strongest case for this being that, after the Qin fell, the civilization remained intact under the Han and another Warring States period did not occur immediately after their downfall. The recent scholarship seems to have dismissed or ignored Dull's theory all together.

History is written by the living. Every generation must examine the past and write about it from there, especially as new evidence comes to life. Interest in the Qin in the West was not as strong until rather recently. With the discovery of the First Emperor's tomb and the terracotta warriors, historians tried to examine the Qin dynasty better and have sought to get a clearer image of China's first true imperial dynasty. The result is a mixed review. The personal images of Li Si, Shang Yang and the First Emperor range from cynical, to ambitious, to borderline evil. However, the unification of China and the imperial dynasty they all helped to build was truly an admirable feat. The legalist founders of the Qin world may have been critical of human nature, believing laws and harsh punishments even for minor crimes was the only way to maintain order in an empire. However, the legalist society they built meant more freedom and social mobility for the peasant classes than they had under the feudal dynasties. In the end, scholars have concluded that the brief time of the Qin dynasty was an authoritative regime, but they also argue that it probably took an authoritative regime to bring an end to the Warring States period and lay down the foundation for the future of Chinese society.

Looking at the biographies of the founders of the Qin dynasty, it appears that the men who built it were cynical and had a Machiavellian nature when it came to statecraft. Apart from Shang Yang, it appears that scholars have come to agree with the Han writers about the nature of

the First Emperor and his most trusted advisor Li Si when trying to create an image of the founders of the Qin. However, it is with the actual social history of the Qin that we see a much more complex image. Scholars for the last few decades have come to see the Qin in a new light, not just as a tyrannical totalitarian state, but as a place where cooperation was key to success and a person was not tied down to his social position for the rest of his life. For scholars and system analysts, the Qin brought peace to a war-torn land and laid down the foundation for future dynasties to build from. Recreating their successes of a strong central government and trying to avoid their mistakes seems like key ideas to studying the Qin.

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